

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,  
Plaintiff/Respondent  
v.  
Terry Williams,  
Defendant/Petitioner

2:12-cr-00466-JAD-CWH

## **Order Lifting Stay and Denying Motion to Vacate Sentence under 28 U.S.C. § 2255**

[ECF Nos. 73, 74]

Petitioner moves for habeas relief under 28 U.S.C. § 2255(a), arguing that the enhancement of his sentence under U.S. Sentencing Guidelines Manual §§ 4B1.2 and 2K2.1 violated his due-process right because the provision's residual clause is void for vagueness.<sup>1</sup> I stayed this petition in anticipation of the United States Supreme Court's decision in *Beckles v. United States*.<sup>2</sup> The *Beckles* decision, issued today, squarely defeats petitioner's claim: the High Court held that "the advisory Sentencing Guidelines are not subject to a vagueness challenge under the Due Process Clause."<sup>3</sup>

In light of *Beckles*, the **STAY IS LIFTED**, and petitioner's motion to vacate his sentence under 28 U.S.C. § 2255 [**ECF Nos. 73, 74**] is **DENIED**.

Dated March 6, 2017

Jennifer A. Dorsey  
United States District Judge

<sup>1</sup> ECF Nos. 73, 74.

2 ECF No. 75.

<sup>3</sup> *Beckles v. United States*, Case No. 15-8544, 580 U.S. , slip op. at 10 (Mar. 6, 2017).